

Roden, for example, provides traditional on-site sales transactions against the pharmaceutical provider's inventory. See Figure 2. That is, a consumer goes to either a managed care site 202 or a retail site 204 to make a purchase. Information from that sale may go to an electronic data interchange 207 or a clearinghouse 206. Nonetheless, the actual sales transaction against the inventory is not on-line.

Likewise, Manchala does not teach an on-line sales transaction against an electronically allocated inventory. For example, in Manchala, the vendor sends the customer consumable goods such as supplies for printers to be used by the customer. See column 4, lines 15-22. The inventory sent to the customer is not then sold much less sold on-line. Further, to construe the claims from the vendor's point of view simply does not work. Thus, neither Roden nor Manchala anticipate claims 1, 10 and 19 and the claims that depend therefrom.

As amended, independent claims 23, 26 and 29 call for receiving a request from an on-line transaction service. As explained above, neither Roden nor Manchala teach on-line transactions against an allocation of inventory. Thus, they also do not teach receiving a request from an on-line transaction service. For at least this reason, independent claims 23, 26 and 29 and the claims depending therefrom are not anticipated.

#### 103 Rejections:

Claims 1-27 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Zachar. It is respectfully submitted that a prima facie case of obviousness has not been established. First and foremost, the Examiner has not provided an adequate factual basis for the rejection. That is, the Examiner has left it to the Applicant's representative to guess what portions of the reference the Examiner relies on. As a result, it is near impossible to rebut the so-called rejection. Nevertheless, it is

respectfully submitted that Zachar does not teach all of the elements claimed and that it would not have been obvious to modify Zachar as suggested.

Independent claims 1 and 10 call for receiving an electronic indication of an inventory allocation and in response to a depletion of the allocation, automatically requesting an additional inventory allocation. Independent claim 19 calls for a memory coupled to a server that stores an inventory allocation and the server decrements the inventory allocation with each transaction, monitors the inventory allocation and automatically requests an additional inventory allocation.

The Examiner does not specifically contend that Zachar teaches an electronic indication of an inventory allocation. Thus, the Applicant's representative respectfully submits that Zachar does not teach this limitation.

Moreover, because Zachar's system is limited to a single retail store, it would not have been obvious to modify Zachar to automatically request an additional inventory allocation from a vendor for example over the Internet. That is, the problem Zachar sets out to solve is how to collect data real-time from various locations in a multi-department store. See column 1, lines 43-50. He does this by providing terminals within the store that will collect coded data from a variety of sources in a real-time manner. Automatically requesting an additional inventory allocation, for example from a vendor, has no bearing the problem Zachar sets out to solve. As a result, the Examiner's rationale to modify is flawed. Without more, the rejection fails and the claims remain not obvious.

As amended, independent claims 23 and 26 call for providing an electronic allocation (23) or indication (26) of an inventory allocation. The Examiner has not provided factual support that Zachar teaches this limitation. Moreover, the same holds true for the limitation of receiving a request from an on-line transaction service for an additional inventory allocation. The retailer in Zachar is not an on-line transaction

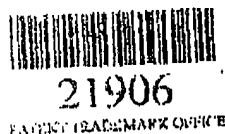
service. Like Rodan, the consumer visits the retail store to purchase an item. Thus, for at least these reasons, the claims rejected are not obvious in view of Zachar.

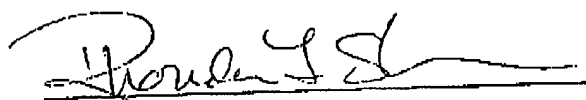
\* \* \* \* \*

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL0365US).

Respectfully submitted,

Date: January 7, 2003



  
Rhonda L. Sheldon  
Registration No. 50,457  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Suite 100  
Houston, Texas 77024  
(713) 468-8880 [Phone]  
(713) 468-8883 [Fax]

**APPENDIX**

Claim 23 has been amended as follows:

23. (Twice Amended) A method comprising:  
providing an electronic allocation of an inventory allocation;  
receiving a request from an on-line transaction service for an additional  
inventory allocation; and  
providing an additional inventory allocation.

Claim 26 has been amended as follows:

26. (Twice Amended) An article comprising a medium that stores instructions  
that enable a computer to:  
provide an electronic indication of an inventory allocation;  
receive a request from an on-line transaction service for additional  
inventory allocation; and  
provide additional inventory allocation in response to said request.

Claim 29 has been amended as follows:

29. (Twice Amended) A system comprising:  
a server; and  
a storage storing software that causes said server to provide an electronic  
indication of an inventory allocation, receive a request from an on-line transaction  
service for an additional inventory allocation, and provide an additional inventory  
allocation.